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U. S. Department of Agriculture
United States Department of Agriculture**FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT**

[Given pursuant to section 9 of the caustic poison act]

3-7

[Approved by the Secretary of Agriculture, Washington, D. C., September 9, 1932]

3. Misbranding of Go-Fecto No. 1. U. S. v. Goulard & Olena (Inc.). Plea of guilty. Fine, \$50. (C. P. A. No. 3. Dom. No. 28947.)

The product Go-Fecto No. 1 involved in this action was a dangerous caustic or corrosive substance in packages suitable for household use. The word "Poison," the common name of the article, and directions for treatment in case of accidental personal injury, all of which statements are required by law, were not printed on the label.

On October 16, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Goulard & Olena (Inc.), a corporation trading at Jersey City, N. J., alleging shipment by said company, in violation of the Federal caustic poison act, on or about February 24, 1931, from the State of New Jersey into the State of Connecticut, of a quantity of Go-Fecto No. 1 that was misbranded.

Misbranding was charged in the information for the reason that the label did not bear the common name of the said dangerous or corrosive substance, to wit, carbolic acid; the label did not bear the word "Poison;" and the label did not bear directions for treatment in case of accidental personal injury.

The interstate shipment of the product also involved a violation of the insecticide act of 1910 (I. & F. No. 1553, N. J. No. 1233), both violations being covered by one information. On November 17, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 as penalty for violation of both acts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

4. Misbranding of cold water drain pipe solvent. U. S. v. 1 Gross of 1-Pound Cans of Cold Water Drain Pipe Solvent, Unlabeled, et al. Default decrees of condemnation, forfeiture, and destruction. (C. P. A. Nos. 6, 7. S. Nos. 259, 262.)

The product involved in these actions was a dangerous caustic poison in containers suitable for household use. The law requires that such articles be labeled with certain statements for the protection of purchasers. The cans containing the article were unlabeled when shipped.

On March 31 and April 9, 1932, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 60 dozen 1-pound unlabeled cans of cold water drain pipe solvent, consigned by the Hercules Chemical Co., New York, N. Y. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about December 31, 1930, and in part on or about February 18, 1932, from New York, N. Y., into the State of Colorado, and that it was misbranded in violation of the Federal caustic poison act.

Misbranding of the article was alleged in the libels for the reason that it did not have a label or sticker affixed to the cans, containing the common name of the dangerous caustic or corrosive substance, namely, caustic soda, contained in the article; it did not have a label or sticker containing the name and place of business of the manufacturer, packer, seller, or distributor; it did not have a label or sticker containing the word "Poison," and it did not have a label or sticker containing directions for treatment in case of accidental personal injury.

On May 24, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

5. Misbranding of H T H. U. S. v. Ninety 4-Pound Cans of H T H. Default decree of condemnation, forfeiture, and destruction. (C. P. A. No. 8. S. No. 265.)

The product in this action was a dangerous caustic or corrosive substance in containers suitable for household use. The requirements of the law that the word "Poison" and directions for treatment in case of accidental personal injury appear on the label, were not complied with.

On April 16, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 cans of the said H T H. It was alleged in the libel that the article had been shipped on or about February 11, 1932, by the Mathieson Alkali Works (Inc.), from Niagara Falls, N. Y., into the State of Maryland, that having been so transported it remained unsold in the original unbroken packages at Baltimore, Md., and that it was misbranded within the meaning of the Federal caustic poison act.

Misbranding was charged in the libel for the reason that the article was a dangerous caustic or corrosive substance in packages suitable for household use, and the label affixed to the cans containing the article did not bear the name "Poison," as required by the said act of Congress, and the label did not bear directions for treatment in case of accidental personal injury.

On May 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

6. Misbranding of Druco caustic pencils. U. S. v. 171 Cartons of Druco Caustic Pencils. Default decree of condemnation, forfeiture, and destruction. (C. P. A. No. 9. S. No. 269.)

The product involved in this action was a caustic poison and the word "Poison" was not printed on the label in type of the size required by law, nor were adequate directions for treatment in case of accidental personal injury printed on the label.

On April 27, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 171 cartons, each containing 12 Druco caustic pencils. It was alleged in the libel that the article had been shipped by the Gotham Aseptic Laboratories, New York, N. Y., in various consignments on or about January 14, February 9, and April 8, 1932, into the State of Pennsylvania, that it remained in the original unbroken packages at Philadelphia, Pa., and that it was misbranded in violation of the Federal caustic poison act.

Misbranding was charged in the libel for the reason that the word "Poison" was stated on the label in letters of less than 24-point size and smaller than the largest type on the label; the statements on the labeling, "Antidote—Use Solution of 25% ordinary salt, Bicarbonate of Soda," were not adequate directions for treatment in case of accidental personal injury; and the label implied that the product was manufactured by the Philadelphia Wholesale Drug Co. at Philadelphia, whereas that concern was not the actual manufacturer.

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

7. Misbranding of Hydro-Clean. U. S. v. William Harris Plunkett (Plunkett Chemical Co.). Plea of guilty. Fine, \$100 and costs. (C. P. A. No. 4. I. S. No. 35204.)

The product Hydro-Clean, involved in this action, was a dangerous caustic or corrosive substance in packages suitable for household use. The word "Poison," the common name of the article, and directions for treatment in case of accidental personal injury, all of which statements are required by law, were not printed on the label.

On November 6, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William Harris Plunkett, trading as the Plunkett Chemical Co., Chicago, Ill., alleging shipment by said company, in violation of the Federal caustic poison act, on or about May 27, 1931, from the State of Illinois into the State of Ohio, of a quantity of Hydro-Clean, a product containing free and chemically un-neutralized hydrochloric acid in a concentration of 10 per cent or more, which was a dangerous caustic or corrosive substance in containers suitable for household use, and which was misbranded.

Misbranding of the article was alleged in the information for the reason that the label did not bear and have printed thereon the common name of the said substance, to wit, hydrochloric acid, for the further reason that the label did not bear the word "Poison," and for the further reason that the label did not bear directions for treatment in case of accidental personal injury.

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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